Appl. No. 10/001,521
Amdt. dated July 10, 2006
Reply to Office action of June 2, 2005

REMARKS

Claims 1-19, and 23-45 are pending.

Claims 1-19, and 23-44 are rejected. New claim 45 has been added.

Rejections Under 35 U.S.C. §101

The Examiner has rejected claims 42-44 as being non-statutory subject matter directed to "printed matter and/or carrier waves." Applicant respectfully disagrees with the Examiner and is somewhat mystified by the Examiner's assertion. As stated clearly in the preamble of claim 42, the claim is directed to "A computer readable medium encoded with computer program code". Similarly, claims 43 and 44 start with the preamble "The computer readable medium of claim 41". Claims directed toward computer readable media are patentable subject matter.

Applicant respectfully requests that the Examiner withdraw the rejections.

Rejections Under 35 U.S.C. §112, second paragraph

Claims 42-44 have been amended to correct for the antecedent basis issue pointed out by the Examiner. The Examiner is hereby authorized to enter an Examiner's Amendment to correct any cases where antecedent basis is lacking.

Applicant respectfully requests that the Examiner withdraw the rejection.

Rejections Under 35 U.S.C. §102(e)

Claims 1-19 and 23-44 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,253,244 to Moore et al.

Applicant respectfully disagrees with the Examiner's assertions that the invention of Moore et al. anticipates the claimed invention for at least the following reasons: **1) Moore et al. does not have the dynamic nature of the claimed invention (as amended), and 2) the mapping of states in Moore is conducted at the screen level, while in the claimed invention occurs at the data-stream level.**

Claim 1 recites, "mapping a plurality of available states within a terminal data stream of the terminal-based application program to respective discrete state definitions within a finite state machine". Thus, the mapping is a direct state-to-state mapping between states of a terminal data stream and respective states in the state machine. **The level at which the mapping is done is below the level of fields on a screen.** To perform the claimed mapping, the state machine

10

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implicitly recognizes the data within the terminal-based application program and has the knowledge required to identify those data within the terminal-based application program.

The Moore et al. invention is static, and not the dynamic system of the claimed invention. The claims have been amended to describe both the dynamic aggregation and alternate data source such as user data collection aspects of the invention (supported by page 18 of the specification).

Claim 18 is directed to a system that performs the method of claim 1 and should be patentable for the same reasons discussed above. Claims 2-17 are dependent on claim 1. Claims 19 and 23-41 are dependent on claim 18. Therefore, all of the dependent claims should be allowable for at least the same reasons.
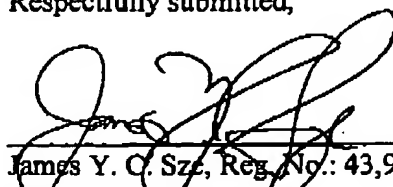
In addition, the dependent claims include many separately patentable features and combinations.

In view of the foregoing amendments and remarks, Applicant submits that this application is in condition for allowance. Early notification to that effect is respectfully requested.

The Assistant Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account 04-1679.

Respectfully submitted,

Dated: _July 10, 2006_

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11

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PAGE 13/13 * RCVD AT 7/10/2006 7:46:21 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/46 * DNIS:2738300 * CSID:6197442201 * DURATION (mm-ss):04-02